

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MILFORD ROOP,

Plaintiff,

v.

TIM GLASS and ROBERT GLASS,

Defendants.

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Civil Action No. **3:23-CV-1538-L-BN**

ORDER

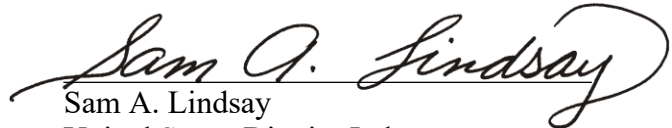
The Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 4) was entered on July 13, 2023, recommending that the Complaint (Doc. 3) filed by pro se Plaintiff Milford Roop (“Plaintiff”) be dismissed without prejudice for lack of subject matter jurisdiction. Plaintiff brought this action alleging that Defendants Tim Glass and Robert Glass “hired him as a security guard at an apartment complex in Corsicana but failed to pay him for this work, an amount he asserts is \$50,400 (for almost 1,700 hours) and that Defendants are threatening to evict him for nonpayment of rent.” Doc. 4 at 1 (citing Doc. 3). The Report recommends dismissal because Plaintiff failed to establish federal jurisdiction, as the claims do not present a question of federal law and he has not identified the citizenship of each defendant to satisfy diversity jurisdiction. *Id.* at 3. Plaintiff has not filed any objections to the Report, and the time to do so has passed.

Having considered the Complaint, Report, file, and record, the court determines that the magistrate judge’s finding and conclusions in the Report are correct, and **accepts** them as those of the court. Plaintiff failed to plead sufficient facts for the court to find federal subject matter jurisdiction, and then failed to object or otherwise respond to the Report recommending his case

be dismissed. Accordingly, the court **dismisses without prejudice** Plaintiff's claims and this action against Tim Glass and Robert Glass for lack of subject matter jurisdiction.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the magistrate judge's Report, the court concludes that any appeal of this action would present no legal point of arguable merit and would therefore be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 2nd day of August, 2023.


Sam A. Lindsay
United States District Judge